

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA)	CASE NO.: 1:05cr365-01
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
vs.)	
)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT, AND</u>
MICHAEL R. TOMKO)	<u>REFERRAL TO U.S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge **David S. Perelman** regarding the change of plea hearing and plea agreement of **Michael R. Tomko** which was referred to the Magistrate Judge with the consent of the parties.

On **September 21, 2005**, the government filed a **one**-count superseding indictment against **Michael R. Tomko** for **Unarmed Bank Robbery, Aiding and Abetting** in violation of **Title 18 Section 2113 (a) and 2**. On October 7, 2005, an Order was signed approving waiver of appearance at arraignment on superseding indictment. On August 9, 2005, a hearing was held in which Michael R. Tomko entered a plea of not

guilty before Magistrate Judge David S. Perelman. On December 12, 2005, Magistrate Judge David S. Perelman received Michael R. Tomko's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Perelman filed his R&R on December 20, 2005.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Michael R. Tomko is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

There, Michael R. Tomko is adjudged guilty of Count one of superseding indictment in violation of Title 18 Section 2113(a) and 2. This matter is referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on March 15, 2006, at 10:00 a.m. in Courtroom 17A.

IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

January 19, 2006